

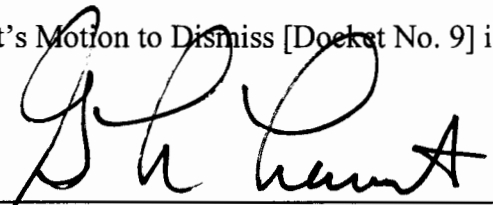
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|------------------------|---|-------------------------|
| GRAHAM REAL ESTATE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 05-525 |
| |) | |
| ANDREW M. APJOK, d/b/a |) | Judge Lancaster |
| A & W EQUIPMENT, |) | Magistrate Judge Hay |
| |) | |
| Defendant. |) | |

ORDER

AND NOW, this 9th day of March, 2006, after the plaintiff, Graham Real Estate, filed an action in the above-captioned case, and after a Motion to Dismiss was submitted by defendant, Andrew M. Apjok, d/b/a A & W Equipment, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by defendant, and the response to those objections filed by plaintiff, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that defendant's Motion to Dismiss [Docket No. 9] is DENIED.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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